

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SEC Pulaski Highway at * ZONING COMMISSIONER
Allender Road *
11445 Pulaski Highway * OF BALTIMORE COUNTY
11th Election District *
5th Councilmanic * Case No. 92-308-A
Gerald P. Thurston *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein seeks a variance from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side/rear yard setback of 3.1 ft., in lieu of the required 30 ft., and a variance from Section 409.6.A.2 of the B.C.Z.R. to permit 114 parking spaces, in lieu of the required 191, all as more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner/property owner, Gerald P. Thurston, appeared, testified and was represented by John Nowicki, Esquire. Also appearing in support of the Petition was Steve Annis, the Architect who prepared the site plan. Appearing and testifying in opposition to the Petition were Larry Lee, President of the Bowerman-Loreley Beach Community Association and Lawrence R. Law, a resident of the Loreley Beach subdivision.

Testimony and evidence presented established that the subject site is approximately 1.55 acres in gross area and is zoned B.R. The property is improved by an existing structure which serves as the Brass Horse Restaurant. The balance of the site serves as the parking lot to support that business.

Testimony and evidence presented disclosed recent zoning activity

which is relevant to the pending Petition. Under case No. 91-249-A, which was decided on May 22, 1991, the Petitioner was granted certain variances as they pertain to front and side/rear setbacks and parking requirements.

Mr. Annis testified that, at that time, the Petitioner filed a Petition for those variances in connection with the planned expansion of the restaurant facility. The size of the restaurant was to be significantly expanded and a retail and balcony seating area were contemplated. Although approval for the plan was granted by Order of Deputy Zoning Commissioner, Ann Nastarowicz, the Petitioner revised his plan before any construction was undertaken. Under the revisions, the Petitioner has eliminated the retail portion of the restaurant and the balcony seating area. In lieu thereof, the Petitioner has purchased a 15 ft. strip of property to the rear of the site. Within this area, a proposed kitchen expansion of 1,200 sq. ft. is contemplated. That expansion is specifically shown on Petitioner's Exhibit No. 1. Mr. Annis and Mr. Thurston both testified that it was determined, after the initial zoning hearing, that a larger kitchen area was necessary and that the balcony seating area and retail use were not practical. Thus, the Petitioner now comes before me requesting approval of a 3.1 ft. setback from the kitchen addition to the new property line, as well as a legitimization of the previously approved parking plan. That is, although Deputy Zoning Commissioner, Ann Nastarowicz, approved the 114 vehicle parking lot, in connection with the original plan, the increased building size occasioned by the kitchen addition envelope makes necessary another parking variance.

In opposition to the request, Mr. Lee and Mr. Law both testified. Their concerns and objections are similar. They object to the traffic and parking congestion created by this facility. Also they are concerned

-2-

about noise generated by the tavern/restaurant use and the outside entertainment which often occurs on site. They further object to the possibility of increased burglary/vandalism and litter which often accompany businesses of this type. Although these concerns are well taken and well founded, the scope of my review in this case is narrow. That is, I cannot determine whether this use is appropriate for the site, but only if the variances which are requested are warranted.

As to the parking variance, I am persuaded that same should be granted. It is particularly to be noted that the Petitioner testified that the revised plan would actually decrease patron seating in the restaurant. Specifically, due to the elimination of the seating in the balcony area and the fact that the proposed addition would be for kitchen facilities only, there will be a decrease in the number of patrons under the current plan, as opposed to the plan permitted by Deputy Zoning Commissioner in May of 1991. Therefore, it must be concluded that the parking variance should be granted for the reasons set forth within the Deputy Zoning Commissioner's Order. Clearly, the Petitioner will suffer practical difficulty if this relief is denied.

As to the side/rear yard setback, I am, likewise, persuaded that same should be granted. Here again, the relief which is requested is identical to that approved by the Deputy Zoning Commissioner. The sole difference is that the property line has been moved 15 ft. by virtue of the acquisition of the adjacent strip of property by the Petitioner. With the construction of the kitchen addition within this strip, the property owner is providing the same setback distance which Deputy Zoning Commissioner approved in the plan before her on May 22, 1991. Again, I incorporate her findings and reasons in approving this variance.

-3-

Lastly, it must be noted that the Zoning Advisory Committee comment from the Office of Planning and Zoning supports the Petition. According to that comment, the current plan embodies the design elements which were offered in the sketch provided in the former zoning case. In fact, the current layout and landscaping of the site shown in the plan before me is preferable to that previously submitted. For all those reasons, I am persuaded that the variance should be granted and will so order.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of March, 1992 that the Petition for Zoning Variance from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side/rear yard setback of 3.1 ft., in lieu of the required 30 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.6.A.2 of the B.C.Z.R. to permit 114 parking spaces, in lieu of the required 191, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall comply with all requirements of the Zoning Plans Advisory Committee (ZAC) as set forth in the comments

-4-

submitted by the Office of Planning and Zoning dated March 12, 1992, attached hereto and made a part hereof.

L.E.S.:mmn

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County



Petition for Variance

to the Zoning Commissioner of Baltimore County 92-308-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.2 and 409.6.A.2, to allow Side/Rear Setback of 3.1 ft., in lieu of the required 30 ft., and 114 Parking spaces in lieu of the required 191.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
Redesign of restaurant kitchen necessitates additional space for Cooler/Freezer Boxes and Kitchen Equipment.
Fifteen foot strip of adjacent property has been acquired to accommodate this addition.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Gerald P. Thurston

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

(Type or Print Name)

Signature

City and State

Address

City and State

Address

City and State

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City and State

Address

City and State

11445 Pulaski Highway (335-7111)

Address

White Marsh, Maryland 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Fidelity Architectural Group, Inc.

Name

720 S. Montford Avenue (276-7128)

Address Baltimore, Md Phone No. 21224-3654

City and State

Address

City and State

Address

City and State

Address

City and State

Address

City and State

Address

City and State

Address

City and State

Address

City and State

ZONING DESCRIPTION

Beginning at a point on the east side of Pulaski Highway which is 150'-0" wide at the distance of 16'-0" southeast of the centerline of the nearest improved intersecting street, Allender Road, which is 30'-0" wide. Thence the following courses and distances:

N 31°43'40" W 31.91 FT., N43°27'30" E 37.27 FT., N8°32'30" E 225.0 FT., N8°31'00" E 202.98 FT., S44°39'40" E 288.4 FT., S45°20'20" W 186.4 FT., S45°20'20" W 163.6 FT., and S45°20'20" W 36.34 FT. to the beginning as recorded in Liber 5571, Folio 372.

ZONING DESCRIPTION

Beginning at a point on the Southwest side of Allender Road which is 25 FT. wide at a distance of 106.91' southeast of the centerline of the nearest improved intersecting street, Pulaski Highway which is 150' wide. Thence the following courses and distances:

N13°27'30" E 37.29 FT., N8°32'30" E 235 FT., 15 FT. SOUTHEASTERLY MEASURED AT RIGHT ANGLE FROM PREVIOUS BOUNDER, N8°36'53" E 228.82 FT., N43°09'27" E 30.12' FT., N31°43'40" 15.68 FT. TO THE PLACE OF BEGINNING.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 3/12/92
Posted for: Lawrence E. Schmidt
Petitioner: Gerald P. Thurston
Location of property: 11445 Pulaski Highway, White Marsh, MD 21162
Location of Signs: 11445 Pulaski Highway, White Marsh, MD 21162
Remarks: 11445 Pulaski Highway, White Marsh, MD 21162
Posted by: Lawrence E. Schmidt Date of return: 3/12/92
Number of Signs: 1

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 5, 1992.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

Publisher

970.33

Public Hearing
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 at 10:00 a.m.
Case Number: 92-308-A
SEC Pulaski Highway at Allender Road
11445 Pulaski Highway
11th Election District - 5th Councilmanic
Petitioner(s): Gerald P. Thurston
Hearing Date: Friday, March 27, 1992 at 10:00 a.m.
Variance: to allow side/rear setback of 3.1 feet, in lieu of the required 30 feet and 114 parking spaces in lieu of the required 191.
LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
NE-3/3-643 March 5

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 5, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 5, 1992.

THE JEFFERSONIAN,

S. Zake Orlem
Publisher

710.33



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R 001.6150
Number

Date

Cashier Validation

Please Make Checks Payable To: Baltimore County



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001.6150
Number

Date

92-308

Cashier Validation

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 3/9/92

Gerald P. Thurston
11445 Pulaski Highway
White Marsh, Maryland 21162

RE:
CASE NUMBER: 92-308-A
SEC Pulaski Highway at Allender Road
11445 Pulaski Highway
11th Election District - 5th Councilmanic
Petitioner(s): Gerald P. Thurston

Dear Petitioner(s):

Please be advised that \$ 95.33 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Carl Jablon
ARNOLD JABLON
DIRECTOR

cc: Gerald C. Ruter, Esq.

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

FEBRUARY 26, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-308-A
SEC Pulaski Highway at Allender Road
11445 Pulaski Highway
11th Election District - 5th Councilmanic
Petitioner(s): Gerald P. Thurston
HEARING: FRIDAY, MARCH 27, 1992 at 10:00 a.m.

Variance to allow side/rear setback of 3.1 feet, in lieu of the required 30 feet; and 114 parking spaces in lieu of the required 191.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Gerald P. Thurston
Gerald C. Ruter, Esq.
Fidelity Architectural Group, Inc.

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

March 16, 1992

(410) 887-3353

Gerald C. Ruter
604 E. Joppa Road
Baltimore, MD 21204

RE: Item No. 321, Case No. 92-308-A
Petitioner: Gerald P. Thurston
Petition for Variance

Dear Mr. Ruter:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this

6th day of February, 1992.

Carl Jablon
ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Gerald P. Thurston

Petitioner's Attorney: Gerald C. Ruter

Printed on Recycled Paper



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

March 5, 1992

Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
County Office Building
Towson, Maryland 21204
Attn: James Dyer

RE: Baltimore County
Zoning meeting of
2/25/92
SIS Pulaski Highway
US 40-E
at Allender Road
Item # 321

Dear Mr. Jablon:

We have reviewed the submittal for zoning variance on the referenced property and concur with the proposed entrances onto Pulaski Highway as shown.

All work within the State Highway Administration right-of-way must be performed under an access permit issued by our office prior to the issuance of any building permit.

If you have any questions, please contact Peggy Blank at 410-333-1350.

Very truly yours,

John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

PB/les

cc: Fidelity Architectural Group, Inc.

RECEIVED
MAR 10 1992
ZONING OFFICE

My telephone number is 301-333-1350 (Fax# 333-1041)
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: March 18, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: February 25, 1992

This office has no comments for item numbers 318, 321, 322, 323 and 327.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJP/lvd

RECEIVED
MAR 18 1992
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration
and Development Management

DATE: March 12, 1992

FROM: Gary Kerns, Chief
Community and Comprehensive Planning Division
Office of Planning and Zoning

SUBJECT: Thurston Property, Item No. 321

In reference to the applicant's request, staff offers the following comments:

This site was subject to a Zoning Variance in Case No. 92-249A. At the time of that hearing, the Office of Planning and Zoning provided comments which included a sketch plan. Our plan revealed how the parking area could be reconfigured to provide for more parking spaces, and also suggested areas for additional landscape treatment.

The plat accompanying the instant request, embodies the design elements that were offered in the sketch provided in the former zoning case. Staff applauds the Petitioner's efforts to reflect the recommendations of this office.

Based upon the analysis conducted and the information provided, we recommend that the applicant's request be granted.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

Report prepared by:

Jeffrey Long
Jeffrey Long

GK:JL:bjs

RECEIVED
MAR 12 1992
ZONING OFFICE

ITEM321.ZAC/TXTPRH

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

February 25, 1992

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #321, Zoning Advisory Committee Meeting of February 25, 1992, Gerald P. Thurston, SEC Pulaski Highway at Allender Road (#11445 Pulaski Highway), D-11, Public Water and Private Sewer

COMMENTS ARE AS FOLLOWS:

Prior to approval of a Building Permit for construction, renovation and/or installation or equipment for any existing or proposed food service complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.

Soil evaluations may be required to revise the septic area prior to building permit approval. Contact J. Robert Powell at 887-2762 for further information.

SSF:rmp

321.ZNG/GWRMP

RECEIVED
FEB 26 1992
ZONING OFFICE

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

MARCH 3, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: GERALD P. THURSTON

Location: #11445 PULASKI HIGHWAY

Item No.: 321 Zoning Agenda: FEBRUARY 25, 1992

Centimeter:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Jeffrey Long* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JF/REK

RECEIVED
MAR 3 1992
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: March 13, 1992

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for February 25, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 321, 322, 323, 324 and 327.

For Items 297 and 326, the previous County Review Group Comments still apply.

For Item 80 (Case No. 90-282-SPHXA), a continued County Review Group Meeting and revised plan are required.

For Item 318, the site must be submitted through the new subdivision process for review and comments.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

RECEIVED
MAR 17 1992
ZONING OFFICE

BALTIMORE COUNTY
ECONOMIC DEVELOPMENT COMMISSION
Memorandum

TO: Julie Winiarski
Office of Zoning Administration and
Development Management

FROM: A. J. Haley, Deputy Director
Economic Development Commission

DATE: February 24, 1992

RE: Zoning Advisory Comments for Meeting of February 25, 1992

This office has no comment for items 318, 321, 322, 323, and 324.

RECEIVED
FEB 26 1992
ZONING OFFICE

ITEM321.ZAC/TXTPRH

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration
and Development Management

DATE: March 12, 1992

FROM: Gary Kerns, Chief
Community and Comprehensive Planning Division
Office of Planning and Zoning

SUBJECT: Thurston Property, Item No. 321

In reference to the applicant's request, staff offers the following comments:

This site was subject to a Zoning Variance in Case No. 92-249A. At the time of that hearing, the Office of Planning and Zoning provided comments which included a sketch plan. Our plan revealed how the parking area could be reconfigured to provide for more parking spaces, and also suggested areas for additional landscape treatment.

The plat accompanying the instant request, embodies the design elements that were offered in the sketch provided in the former zoning case. Staff applauds the Petitioner's efforts to reflect the recommendations of this office.

Based upon the analysis conducted and the information provided, we recommend that the applicant's request be granted.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

Report prepared by:

Jeffrey Long
Jeffrey Long

GK:JL:bjs

RECEIVED
MAR 12 1992
ZONING OFFICE

ITEM321.ZAC/TXTPRH

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 27, 1992

John Nowicki, Esquire
6916 North Point Road
Baltimore, Maryland 21219

RE: Case No. 92-308-A
Petition for Zoning Variance
Gerald P. Thurston, Petitioner

Dear Mr. Nowicki:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

att: Mr. Gerald P. Thurston
cc: Mr. Steve Annis
Mr. Larry Lee, President, Bowerman-Loreley Beach Commun.Assoc.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. Wirth / SWM (2)(Pre-App Permit only) DATE: July 2, 1992
Mr. Powell / EIRD
Mr. Pilon / W&S : Please indicate here if your :
Mr. Richards / Zoning : Agency Requests DPW/Bureau of :
Mr. Bowling / DED (2) : Land Acquisition to Acquire :
Mr. Famill / Traffic : REQ. BY :
Mr. Weiss / Sanitation : HIGHWAY WIDENING :
Mr. Beaumont / Land Acq. : FOREST BUFFER :
Ms. Lutz / House Nos. : GREENWAY :
Capt. Pfeifer / Fire Dept. : FLOODPLAIN :
Mr. Kincaid / Rec. & Parks : DRAINAGE/UTILITY ESMT :
Ms. Blank / SHA :
Mr. Butcher / C&P :
Mr. McDaniel/Strategic Planning/Development Review (3)

FROM: Susan Wimbley
Bureau of Public Services

SUBJECT: District: 11c5
Project Name: Brass Horse Restaurant
Project No.: 91204 11445 PULASKI HWY.
Engineer: Peek-Smith
Phone No.: 296-0501

ACTION REQUESTED:

CRG Plan Review (Meeting Waived) :xxx W-91-119
CRG Plan Refinement Review :
CRG Non-Material Amendment Review :
CRG Plan Approval Extension Review :
Handle Minor CRG Plan Review :
Minor Subdivision Review :

Pre-Approved Building Permits:

Please provide separate comments for Building Permits.
NOTE: Please detail any comments where permit cannot be approved, but subdivision approval is acceptable.

Please review the attached plan for compliance with current regulations and return comments to our office by 7-23-92. If you have no comments or do not need to review this plan, please indicate by placing your initials here.

Thank you for your attention to our request.

SDW:

cc: File, Melissa

RECEIVED
JUL 2 1992
By: SCJ

DOCTRINE(S) SIGN-IN SHEET

NAME _____

ADDRESS

NAME _____

ADDRESS

STEVE ANNIS

720 S MONTFORD AVE 21224

Topic: Illustration

11400 21100 11400 2100

THE ALPHABET

1911. 100 to 1000 ft. to 1000 ft.

SCALE

$$l^{\circ} = 200' \pm$$

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

LORELEY

SHEET

N. E.

10-J

WHEREAS, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of May, 1991 that the Petition for Zoning Variance to permit a front setback of 51.5 feet in lieu of the minimum required 57.5 feet, a side/rear setback of 3.1 feet in lieu of the required 30 feet, and 114 parking spaces in lieu of the required 150, in accordance with Petitioner's Exhibit A, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioner may apply for their building permit and be granted same upon receipt of this order; however, Petitioner is hereby made aware that, proceeding at this time is at their own risk with much time as the 30-day appellate process from this order has expired. If, for whatever reason, this order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Prior to the issuance of any occupancy permits for the proposed addition, Petitioner must remove any and all existing trailers or sheds from the subject property. Further, Petitioner is prohibited from having any such outside storage facilities on the property at any time.

3) Within thirty (30) days of the date of this order, Petitioner shall submit a landscaping plan for the property which has been approved by the Director or Deputy Director of Planning. Said landscaping shall be completed prior to the occupancy of the proposed addition unless an extension is granted by the Office of Planning due to weather and/or planting conditions.

4) Prior to the issuance of any permits, Petitioner shall submit the revised site plan to the Office of Planning, the Department of Traffic Engineering, and the State Highway Administration for approval. A copy of said site plan reflecting the aforementioned approval shall be forwarded to this office for inclusion in the case file.

5) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this order.

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit an existing sign of 220 sq. ft. in lieu of the maximum permitted 128 sq. ft., in accordance with Petitioner's Exhibit 1, be and is hereby DENIED, and:

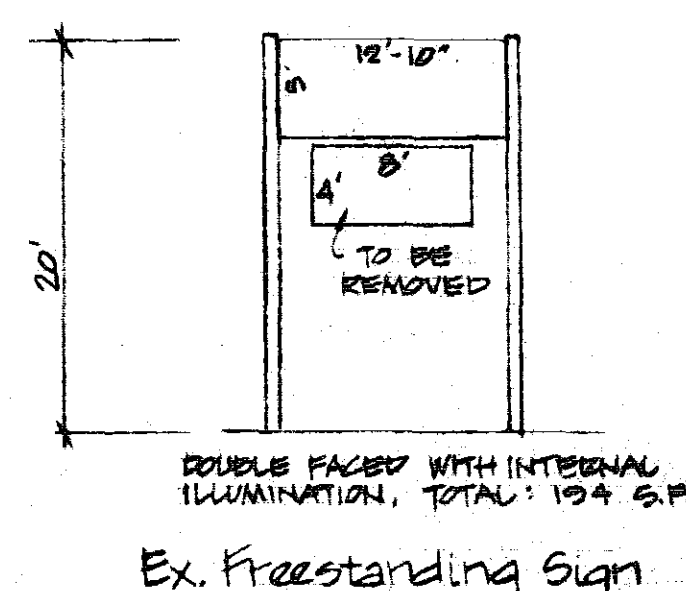
IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit an existing double-faced sign of 274 sq. ft. in lieu of the maximum permitted 100 sq. ft., in accordance with Petitioner's Exhibit 1, be and is hereby DENIED, and:

IT IS FURTHER ORDERED that Petitioner shall have one year from the date of this order to replace the existing front-facing and wall signs with signs in compliance with the B.C.Z.O., subject to obtaining all requisite permits.

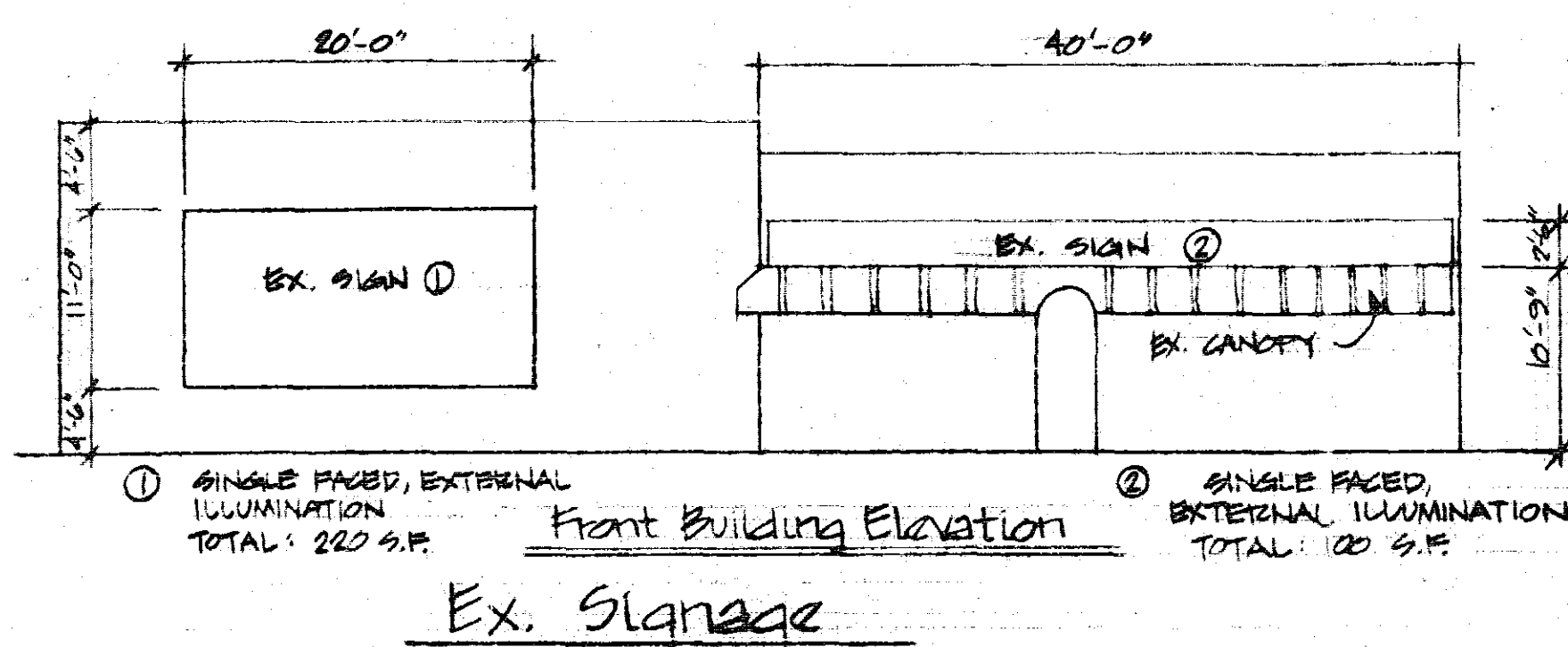
JOHN R. HARTMAN
Deputy Zoning Commissioner
for Baltimore County

Case # 91-244-A Item # 257

QTY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT
LC 30	Cupressus leylandii	Leyland Cypress	5	B&B
PC 3	Pinus caryinoides	Amelanchier	22.5 cal	B&B
SJ 4	Sophora japonica	Regent Scholartree	22.5 cal	B&B
GT 12	Quercus laevis	Shademaster Honeylocust	22.5 cal	B&B



NOTE: SITE INFORMATION FOR "PARCEL A" IS FROM: BUILDING LOCATION PROPERTY OF GEORGE S. POWERSMAN, JR. 11th ELECTION DISTRICT, BALT. CO. MD, SEC. 11, 1487, PREPARED BY E. F. RAFAEL & ASSOCIATES, REGISTERED PROFESSIONAL LAND SURVEYORS, 209 COURTLAND AVENUE, TOWSON, MD. 21204, NO. 2246 (LIDER 557), FOLIO 372.



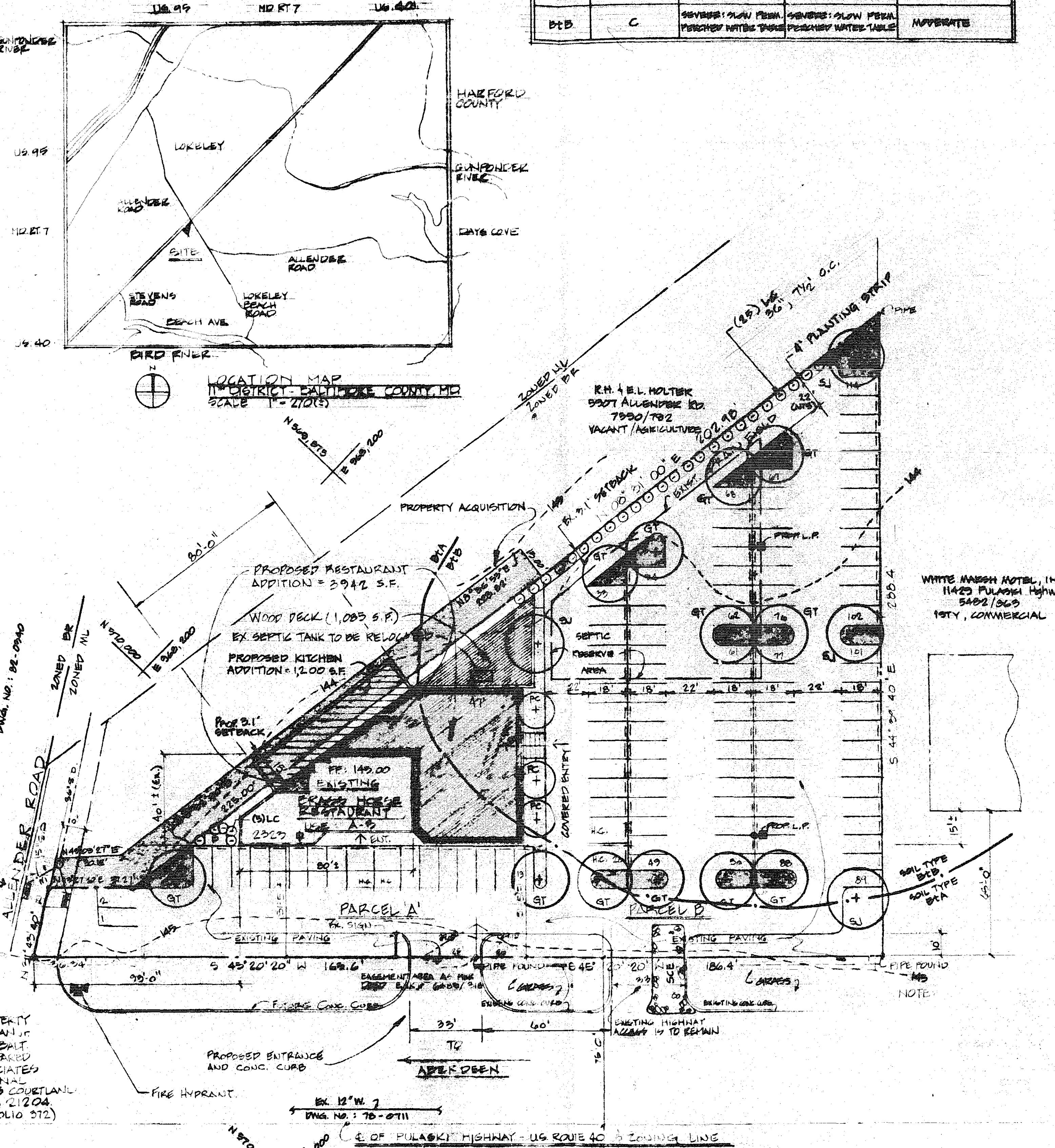
SITE PLAN
SCALE 1"=30'
ZONING NOTE:
PARCEL A & B ARE BOTH ZONED B.R.

PREVIOUS COMMERCIAL PERMITS:
10/2/84: B002270 - ADDITION TO B&B FRONT
3/15/90: B002287 - TENT FOR WEDDING
5/23/91: B002287 - FOUNDATION PERMIT
7/8/91: B002247 - FIRE EXIT N.E. WALL

Legend

SILT FENCE
STABILIZED CONSTRUCTION ENTRANCE (SEE 2)
EX. PAVING TO BE REMOVED
NEW PLANT MATERIAL
NEW DUMPSTER
NEW HANDICAPPED SPACE
PROPOSED LIGHT POLE

SOIL TYPE	HYDRO GROUP	FILTER FIELDS	HANDICAPPED 1/2 B-RENT	OTHERS
BTA	C	SEVERE: SLOW PERM PERCHED WATER TABLE	SEVERE: SLOW PERM PERCHED WATER TABLE	MODERATE
BTB	C	SEVERE: SLOW PERM PERCHED WATER TABLE	SEVERE: SLOW PERM PERCHED WATER TABLE	MODERATE



- 11th ELECTION DISTRICT
- 5th COUNCILMANIC DISTRICT
- CENSUS TRACT: 4113.02
- WATERSHED: 3
- SUBWERSHED: 20
- GROSS SITE AREA: 1.55 ACRES
- NET SITE AREA: 1.28 ACRES

PARKING TABULATIONS:
PARKING REQUIRED:
RESTAURANT: 7,350 S.F. + 1,200 S.F./1,000 X 20 = 171
PARKING PROPOSED: 114 (INCLUDES 4 HCP)

LANDSCAPE TABULATIONS:
140 LF OF INTERIOR ROAD/20= 7 P.U.
381.91 LF OF ADJACENT ROAD/40= 9.55 P.U.
114 PARKING SPACES/12= 9.5 P.U.
20 LF OF DUMPSTER/15=1.25 P.U.
TOTAL PLANTING UNITS REQUIRED: 28
TOTAL PLANTING UNITS PROVIDED: 34 (19 MAJOR + 15 EVERGREEN)

FLOOR AREA RATIO:
8550 SF TOTAL GROSS FLOOR AREA/
67,456 SF TOTAL GROSS SITE AREA= 0.127

DEED REFERENCES: 7897/347, 8519/502

ESTIMATED EX. ADT'S:
RESTAURANT (QUALITY): 2,323 X 96= 223.08
ESTIMATED PROP. ADT'S:
RESTAURANT (QUALITY): 5,027 X 96= 482.592
TOTAL PROPOSED ADT'S: 705.672

TAX ACCOUNT NO.'S: 11-07-041026 & 11-07-059150

NO EXISTING WELLS OR UNDERGROUND FUEL TANKS EXIST ON SITE.

A WAIVER OF STORMWATER MANAGEMENT HAS BEEN FILED IN ACCORDANCE WITH SECTION 2-150.3 (C) (1) OF BALTIMORE CO. POLICY.

NO WETLANDS, FLOODPLAINS, CRITICAL AREAS, ARCHEOLOGICAL SITES, HISTORIC BUILDINGS, ENDANGERED SPECIES HABITATS, OR HAZARDOUS MATERIALS EXIST ON SITE.

TOPOGRAPHY COMPOSITED FROM BALT. CO. 200' SCALE AND FIELD OBSERVATION.

PREPARED BY:

Peek/Smith, Inc.
Landscaping, Architecture, and Planning
303 West Pennsylvania Avenue, Towson, MD 21206-0001

FOR:
FIDELITY ARCHITECTURAL GROUP, INC.
720 S. MONTFORD AVENUE
BALTIMORE, MD 21224 276-7128
PROJECT NO.: 91-731

CRG MEETING WAIVER: W-91-119

Petitioner's No. 1
92-308-A

CONTENTS
SITE PLAN TO ACCOMPANY ZONING VARIANCE

SCALE: 1"=30' DATE: 11/11/91 DRWN: DPG PRJ.NO: 9048

PROJECT TITLE
BRASS HORSE RESTAURANT BUILDING ADDITION
1445 PULASKI HIGHWAY WHITE MARSH, MD 21162
OWNER/APPLICANT: MR. J. THURSTON (301)335-7111

DATE -- ISSUED FOR: DISTRICT 11
C.R.G. No.
PLANNING No.
SHEET NO. 5P-1 of 2